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COPY MAILED
DEC 26 2007
OFFICE OF PETITIONS

In re Application of	:	
Tsun-Tying Hsu	:	
Application No. 09/460,974	:	DECISION ON PETITION
Filed: December 15, 1999	:	UNDER 37 C.F.R. § 1.181
Attorney Docket No.: 3079D/0040	:	
Title: ELECTRIC QUANTITY	:	
INDICATOR FOR AN ELECTROMOTIVE	:	
VEHICLE	:	

This is a decision on the petition filed on November 21, 2006, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

BACKGROUND

The above-identified application became abandoned for failure to submit the issue fee and drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due (notice), mailed November 9, 2001, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting formal drawings or issue fees¹. Accordingly, the above-identified application became abandoned on February 10, 2002. A Notice of Abandonment was mailed on July 15, 2002.

¹ See MPEP §710.02(e).

ANALYSIS

With the present petition, Petitioner has asserted that the notice was not received, and has indicated that the communication was mailed to the wrong address.

A review of the electronic record confirms this assertion to be accurate.

A review of the electronic record further confirms that the present petition was originally filed on July 8, 2002. The Office regrets the period of delay in issuing this decision.

CONCLUSION

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the communication was not received.

Accordingly, the petition under 37 C.F.R. §1.181(a) is GRANTED. The holding of abandonment is WITHDRAWN.

The Technology Center will be notified of this decision. The Technology Center's support staff will re-mail the notice of November 9, 2001, and will set a new period for response.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225². All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).